IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7507 of 2005

Between:

A.Siva Nageswara Rao, s/o Appaiah,
bearing E.No.392450, APSRTC, Narasaraopet Depot,

Narasaraopet, Guntur District.

..... PETITIONER

AND

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1 The Depot Manager, APSRTC, Narasaraopet depot,

Narasaraopet, Guntur District.
2 The Assistant Manager (Enquiries), Regional Manager's

Office, APSRTC, Guntur

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction, more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in issuing suspension order dated 01-11-2004 and issuing Charge Sheet dated 01-11-2004 even without considering the material documents and the facts before him as illegal, arbitrary, unconstitutional and against to the principles of natural justice.

Counsel for the Petitioner: MR.B.CHINNAPA REDDY

Counsel for Respondents: MR.R.MANMADHA REDDY

The Court made the following :

ORDER:

Questioning the action of the first respondent in issuing suspension order dated 1-11-2004 and issuing charge sheet dated 1.11.2004 even without considering the material documents and facts before him, the petitioner filed the present writ petition.

Admittedly, the petitioner was placed under suspension on 1-11-2004 on the ground that he is alleged to have committed certain irregularities with regard to cash and in issuing tickets. Learned counsel appearing for the petitioner contended that the checking officials have not verified the cash balance and that they have not followed the correct procedure in verifying the irregularities with regard to issue of tickets. Hence placing the petitioner under suspension is arbitrary and illegal.

Learned Standing Counsel appearing for the respondents opposed the same stating that it is only the suspension order pending the enquiry.

Normally, this court cannot interfere with the suspension order pending the enquiry, unless it is brought to the notice of this court that the authority, who has issued the suspension order, has no jurisdiction at all. The competence or the jurisdiction of the Depot Manger, Narasaraopet in placing the petitioner under suspension is not challenged. The first respondent after proper application of mind placed the petitioner under suspension. Hence, the contention raised by the learned counsel for the petitioner can as well be stated before the enquiry officer. Therefore, it is not a fit case to interfere with the suspension order.

Hence, the Writ Petition is disposed of directing the respondents to complete the enquiry within a period of two months from the date of receipt of a copy of this order. All the contentions that are raised in the writ petition and that of contended by the learned counsel for the petitioner are left open. No costs.

K.C. Bhanu, J.

6th April 2005

Note: Issue CC tomorrow.

B/o

Js.

To

1 The Depot Manager, APSRTC, Narasaraopet depot,

Narasaraopet, Guntur District.

2 The Assistant Manager (Enquiries), Regional Manager's

Office, APSRTC, Guntur

3 2 CD copies.